

directed to patentably distinct species. The Examiner requires an election of one of those species.

Although it is unclear whether the election of species requirement is relevant given Applicants' election herein to prosecute the Group I claims, to ensure full compliance with the requirement, Applicants provisionally elect to prosecute the species of Figure 1. Claims 1-4, 19-22, and 24-25 are believed to read on the elected species.

Applicants traverse the election of species requirement on the ground that the Examiner has not satisfied the requirements of MPEP § 808, which provides that "[e]very requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why the inventions *as claimed* are either independent or distinct; and (B) the reasons for insisting upon restriction therebetween as set forth in the following sections." (Emphasis in original.) The Examiner has provided no reasons supporting the conclusion that the membrane lids embodied in the various figures are patentably distinct, one from the other. As such, the election of species requirement is improper and Applicants request its withdrawal.

Respectfully submitted,

For: Gerard Laurant Buisson, et al.

By Carl J. Roof
Carl J. Roof
Attorney for Applicants
Reg. No. 37,708

Customer Number 27752

July 2, 2003